

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
(Indianapolis Division)

RED BARN MOTORS, INC.,	*	DOCKET NO. 1:14-cv-01589-TWP-DKL
PLATINUM MOTORS, INC.,	*	
MATTINGLY AUTO SALES, INC.,	*	CLASS ACTION
YOUNG EXECUTIVE MANAGEMENT	*	Jury Trial Demanded
& CONSULTING SERVICES, INC.,	*	
Individually, and on behalf of other	*	
members of the general public	*	
similarly situated	*	
	*	
v.	*	
	*	
COX ENTERPRISES, INC.,	*	
COX AUTOMOTIVE, INC.,	*	
NEXTGEAR CAPITAL, INC.,	*	
F/K/A DEALER SERVICES	*	
CORPORATION, successor by merger	*	
with Manheim Automotive Financial	*	
Services, Inc., and JOHN WICK	*	
	*	

**DECLARATION OF JAMES M. GARNER IN SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL**

I, James M. Garner, being first duly sworn upon my oath and under penalties of perjury,
do hereby make the following statements based upon my own personal knowledge:

1. My name is James M. Garner, and I am the above-named individual.
2. I am an adult of sound mind, and all of the statements in this Declaration are of my
own personal knowledge.
3. I currently reside in Jefferson Parish, Louisiana. I have lived in Jefferson Parish for
most of my life, and most recently since 2000.

4. I am the co-managing member of the firm Sher Garner Cahill Richter Klein & Hilbert, L.L.C. ("Sher Garner"), and I am lead counsel for the named plaintiffs in the above-captioned matter.
5. This declaration is submitted in support of Plaintiffs' Motion for Class Certification and Appointment of Class Counsel.
6. I graduated from Tulane University with a B.S.E. degree *summa cum laude* in 1986 and received my J.D. degree *magna cum laude* from Tulane Law School in 1989. While attending Tulane Law School, I served as a member of the Board of Editors for 1987-1988 and managing editor of the Tulane Law Review for 1988-1989. I was also a member of the Order of the Coif. I was admitted to the Louisiana Bar in 1989 and the Texas State Bar in 1994. I am also admitted to practice before the United States Court of Appeals for the Fifth Circuit (1989), Eleventh Circuit (2002), and Federal Circuit (2009), as well as the United States District Court for the Eastern District of Louisiana (1989), United States District Court for the Western District of Louisiana (1989), United States District Court for the Middle District of Louisiana (1989), United States District Court for the Northern District of Texas (1992), United States District Court for the Western District of Texas (1992), United States District Court for the Southern District of Texas (1992), United States District Court for the Eastern District of Texas (1992), United States District Court for the Eastern District of Arkansas (1992), United States District Court for the Western District of Arkansas (1992), Federal Claims Court (2006) and the United States Supreme Court (1993).
7. Reported cases in which I have been actively involved include the following:
 - *Louapre v. Booher*, WL 4555716 (La. App. 4th Cir. 2016);
 - *Riccio v. Luminais*, 192 So.3d 858 (La. App. 4th Cir. 2016);

- *Zeigler v. Housing Auth. of New Orleans*, No. 2015-CA-0626, 2016 WL 1165437 (La. App. 4th Cir. 2016);
- *M.R. Pittman Group, L.L.C. v. Plaquemines Parish Government*, 182 So.3d 312 (La. App. 4th Cir. 2015);
- *Kenner Plumbing Supply, Inc. v. Rusich Detailing, Inc.*, 175 So.3d 479 (La. App. 5th Cir. 2015);
- *Hanover Ins. Co. v. Plaquemines Parish Government*, 2015 WL 3953145 (E.D. La.);
- *Louisiana Pigment Co., L.P. v. Air Liquide America, L.P.*, 149 So.3d 997 (La. App. 3rd Cir. 2014);
- *First Bank and Trust v. Redman Gaming of Louisiana, Inc.*, 131 So.3d 224 (La. App. 5th Cir. 2013);
- *First Bank & Trust v. Treme*, 129 So.3d 605 (La. App. 5th Cir. 2013);
- *Smoothie King Franchises, Inc. v. Southside Smoothie & Nutrition Center, Inc.*, 516 Fed.Appx. 362 (5th Cir. 2013);
- *Tolmas v. Parish of Jefferson*, So.3d (La. App. 2nd Cir. 2013);
- *U.S. Fire Ins. Co. v. Housing Authority of New Orleans*, F.Supp.2d (E.D. La. 2013);
- *Dennis Melancon, Inc. v. City of New Orleans*, 703 F.3d 262 (5th Cir. 2012);
- *Rain CII Carbon, LLC v. ConocoPhillips Co.*, So.3d (La. App. 4th Cir. 2012);
- *In re Katrina Canal Breaches Litigation*, 696 F.3d 436 (5th Cir. 2012);
- *Marshall v. Air Liquide-Big Three, Inc.*, So.3d (La. App. 4th Cir. 2012);
- *Dennis Melancon, Inc. v. City of New Orleans*, F.Supp.2d (E.D. La. 2012);
- *Rain CII Carbon, LLC v. ConocoPhillips Co.*, 674 F.3d 469 (5th Cir. 2012);
- *Crews & Assoc. 's, Inc. v. Nuveen High Yield Mun. Bond Fund*, 783 F. Supp. 2d 1066 (E.D. Ark. 2011);
- *Safeguard Storage Properties, L.L.C. v. Donahue Favret Contractors, Inc.*, 60 So.3d 110 (La. App. 4th Cir. 2011);
- *Public Citizen Inc. v. Louisiana Attorney Disciplinary Bd.*, 632 F.3d 212 (5th Cir. 2011);
- *Wede v. Niche Marketing USA, LLC*, 52 So.3d 60 (La. 2010);
- *In re Katrina Canal Breaches Litigation*, 495 F.3d 191 (5th Cir. 2010);
- *Versai Management Corp. v. Clarendon America Ins. Co.*, 597 F.3d 729 (5th Cir. 2010);
- *Jeansonne v. New York Life Ins. Co.*, 11 So.3d 1160 (La. App. 3d Cir. 2009);
- *Royal Cloud Nine, L.L.C. v. Lafayette Ins. Co.*, 987 So. 2d 355 (La. App. 4th Cir. 2008);
- *Sher v. Lafayette Ins. Co.*, 988 So. 2d 186 (La. 2008);
- *In re Katrina Canal Breaches Litigation*, 495 F.3d 191 (5th Cir. 2007);
- *Cambridge Toxicology Group, Inc. v. Exnicios*, 495 F.3d 169 (5th Cir. 2007);
- *Historic Restoration, Inc. v. RSUI Indemnity Company*, 955 So.2d 200 (La. App. 4th Cir. 2007);
- *Larroquette v. Cardinal Health 200, Inc.*, 466 F.3d 373 (5th Cir. 2006);
- *Touro Infirmary v. Sizeler Architects*, 947 So.2d 740 (La. App. 4th Cir. 2006);
- *Dillard University v. Lexington Ins. Co.*, 466 F. Supp. 2d 723 (E. D. La. 2006);

- *City of New Orleans' Dept. of Finance v. Touro Infirmary*, 905 So.2d 314 (La. App. 4th Cir. 2005);
- *In re Crutcher-Tufts Resources, Inc.*, 347 B.R. 189 (Bkrtcy. E.D.La. 2005);
- *Memorial Hall Museum, Inc. v. University of New Orleans Foundation*, 847 So. 2d 625, 2002-1810 (La. App. 4th Cir. 2003);
- *M.K.L. Development, L.L.C. v. City of New Orleans*, 772 So. 2d 797 (La. App. 4th Cir. 2000);
- *Walls v. American Optical Corp.*, 740 So.2d 1262 (La. 1999);
- *Estate of Patout v. City of New Iberia*, 738 So.2d 544 (La. 1999);
- *Dumas v. Angus Chemical Co.*, 728 So.2d 441 (La. App. 2 Cir. 1999);
- *Williams v. AKZO Nobel Chemicals, Inc.*, 999 S.W.2d. 836 (Tex. App. - Tyler 1999);
- *Earl J. Adams et al. v. J.E Merit Construction, Inc.*, 712 So.2d 88 (La 1998);
- *Simmons v. Templeton*, 723 So.2d 1009 (La. App. 4 Cir. 1998);
- *TGX Corp. v. Simmons*, 62 F.3d 666 (5th Cir. (La.) 1995);
- *U.S. v. Eighty Three Rolex Watches*, 992 F.2d 508 (5th Cir. (Tex.) 1993); and
- *Cole v. Celotex Corp.*, 599 So.2d 1058 (La. 1992).

8. In the courtroom, I have extensive trial experience with both jury and bench trials. I also have extensive appellate argument experience, regularly arguing before the U.S. Fifth Circuit Court of Appeals in New Orleans, Louisiana, the Louisiana Courts of Appeal, and the Louisiana Supreme Court.

9. I represent over 225 claimants, filing over 729 separate claims in the BP Macondo Litigation/Oil Spill by the Oil Rig "Deepwater Horizon", United States District Court for the Eastern District of Louisiana, No. 10-MD-2179. To date we have successfully obtained over \$52 million for our clients. I was also the BP MDL Co-Chair of the Quick Briefing Committee. I am lead counsel for Texas Brine Company in defending and prosecuting its claims in the Bayou Corne sinkhole litigation for the following cases:

- *Gustave J. LaBarre, Jr., et al. v. Texas Brine Company, LLC, et al.* (23rd JDC of La. No. 33796);
- *Crosstex Energy Services, LP, et al. v. Texas Brine Company, LLC, et al.* (23rd JDC of La. No. 34202);
- *Susan Russo Marchand, et al v. Texas Brine Company, LLC, et al;* (23rd JDC of La. No. 34270);

- *Florida Gas Transmission Company, LLC v. Texas Brine Company, LLC, et al.*; (23rd JDC of La. No. 34316);
- *Assumption Parish Police Jury v. Texas Brine Company, LLC, et al.*; (23rd JDC of La. No. 34389);
- *Texas Brine Company, LLC v. Vulcan Materials Co., et al.*; (23rd JDC of La. No. 34392);
- *Pontchartrain Natural Gas System, et al. v. Texas Brine Company, et al.* (23rd JDC of La. No. 34265);
- *Texas Brine Co. v. Occidental Chemical Corp.* (AAA Arb. No. 69 20 1300 0129);
- *Occidental Chemical Corporation v. Arch Specialty Insurance Co., et al.* (23rd JDC of La. No. 34559); and
- *Leblanc et al v. Texas Brine Company, LLC* (USDC Eastern District of La. 2:12-cv-02059)

10. In the course of my twenty-seven years of legal practice, I have represented the interests of thousands of individuals in complex litigation and state and federal class action cases nationwide. I have been lead counsel in cases in New Mexico, California, West Virginia, Kansas, Arizona, Indiana, Arkansas, Mississippi, Louisiana and Texas, including cases relating to asbestos exposure, benzene exposure, mass closings of big box retailers, and noise pollution, as well as commercial, banking, bankruptcy, and financial litigation matters. My clients have recovered over \$500 million in damages in cases in which I have served as lead trial and/or appellate counsel. I have also defended clients in other cases from damage claims aggregating in excess of \$1 billion.

11. In summary, I have broad experience in class action litigation representing claimants in the *In re Katrina Canal Breaches Litigation* and *In re Deepwater Horizon/BP Oil Litigation*. I have also defended class action cases, including *Marshall v. Air Liquide* and *Lori Brown, et al. v. Credit Suisse First Boston Corporation, et al.*

**I AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING FACTS
AND REPRESENTATIONS ARE TRUE AND CORRECT.**

Dated: 9/28/16

By: 
JAMES M. GARNER